



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

(1) First and Final Account and Report of Administration of Executor and Petition for Settlement Thereof and (2) for Allowance of Statutory Executor's Compensation and Attorney's Fees and (3) For Extraordinary Attorney's Fees and (4) For Reimbursement of Costs Advanced and for (5) Final Distribution

DOD: 1-28-11		GLORIA MAY , Sister and Executor with Full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. DHS filed an <i>additional</i> Creditor's Claim in the amount of \$12,672.87 on 2-13-13 (after the filing of this petition). Need Allowance or Rejection of DHS Creditor's Claim filed 2-13-13. Also, depending on the disposition of this additional claim, an amended petition / distribution schedule may be necessary. 2. According to the Summary and Schedule E, POH is \$40,275.03. However, at #14, Petitioner states POH is \$48,198.40, and the proposed distribution is based on this higher amount. Need clarification and/or amended schedules, including amended distribution schedule. Reviewed by: skc Reviewed on: 3-7-13 Updates: Recommendation: File 2 - Graham
		Account period: 4-26-11 through 1-11-13	
		Accounting: \$48,962.54	
		Beginning POH: \$48,962.25	
		Ending POH: \$40,275.03 (cash)	
		Executor (Statutory): \$1,804.50	
		Attorney (Statutory): \$1,804.50	
		Costs: \$1,362.00 (filing, publication, recording fees, probate referee)	
		Attorney (Extraordinary): \$4,720.00 (per declaration, re sale of real property)	
		Closing: \$1,003.98	
		Petitioner states the decedent left certain real property to the County of Mariposa based on certain conditions including the creation of a park on the property and payment of administration costs. However, the County declined to receive the property based on the conditions. Therefore, the gift lapsed and is part of the residue distributable to heirs.	
		Payment of Creditor's Claims:	
		1. Attorney Gary Bagdasarian for \$1,325.00 for legal services to the decedent prior to his death – Petitioner states the claim was <u>not filed</u> , but was presented by way of written demand for payment within four months after letters were issued, and the Personal Representative elects to treat the demand as a claim that was filed.	
		2. Dept. of Health Care Service for \$2,358.42 filed 9-28-11	
		Distribution pursuant to Decedent's will: (See #2) Dawn Ollar: \$8,455.00 Karen Kehule: \$8,455.00 Mark Graham: \$8,455.00 Patricia Graham: \$8,455.00	
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(1) Petition for Settlement of First and Final Account and (2) Final Distribution and (3) Allowance of Statutory Compensation and Compensation for Extraordinary Services and (4) Costs of Administration (PC 1060-1064, 010800, 10801, 10802, 10810-11, 10900, 11000, 11640)

DOD: 11-28-11		<p>TOSHIYE YONEMITSU SALAZAR, Executor with Full IAEA without bond, is Petitioner.</p> <p>Account period: 12-6-11 through 1-31-13</p> <p>Accounting: \$ 175,345.60 Beginning POH: \$ 166,995.70 Ending POH: \$ 38,527.17 (\$22,627.17 cash plus various personal property inventory items)</p> <p>Executor (Statutory): \$5,675.37 Executor (Extraordinary): \$350.00 (26.75 hours @ \$10-20/hr)</p> <p>Executor (Reimburse Costs): \$6,301.11 Petitioner states that at the onset of the special administration, the decedent was facing an impending foreclosure deadline, a mortgage which exceeded the value, a lack of access to available funds, and due to a substantial amount of personal property within the residence and lack of able family members, Executor hired Attorney Steven Salazar and her children and other friends of the decedent for assistance providing the necessary physical labor for packing, sorting, loading, moving, etc. Declaration itemizes charges including funeral expenses, packing supplies, storage, truck rental, gas, labor @ \$10/hr for assistance, notary fees for escrow documents, tax preparation, etc.</p> <p>Attorney (Statutory): \$5,675.37 Attorney (Extraordinary): \$725.00 Costs: \$1,508.93 (filing, publication re administration, certified letters, process service, publication re auction, copies) Closing: \$1,500.00</p> <p>Distribution pursuant to Decedent's will: Brian Bathurst: The George E. Engstrom Patent for a Load Bearing Collapsible Steel Stud Wall Wanda Colleen Shipman Kennedy or successor to Robert Clifton Kennedy: Various inventory items (guns) Legion of Valor Museum: Various inventory items (Japanese rifle, sword) Charles Leal: Various vehicles and personal property items per Will, and residue, including \$891.39 cash</p>	NEEDS/PROBLEMS/COMMENTS:	
			<p>1. Attorney requests reimbursement for certain items that may be considered by the Court to be costs of doing business and not reimbursable pursuant to Local Rule 7.17. The Court may require clarification regarding the following items, or a revised order reducing the costs by these amounts: Copy fees \$7.50, Publication for auction \$63.00, Service fee for personal service to Michael Dowling \$25.00 (<i>personal service is not required for request for special notice</i>).</p> <p>2. Decedent's will makes specific devise of various guns to his friend Robert Clifton Kennedy. Mr. Kennedy post-deceased the decedent on 10-10-12. Petitioner proposes to distribute the guns to his estate pursuant to a declaration under §13107.</p> <p>However, the Court may require clarification regarding the request to pass this specific gift pursuant to the estate per Probate Code §11801, as opposed to the gift lapsing to residue pursuant to Probate Code §§ 21104, 21109, 21111(a)(2).</p> <p>If the property is to pass as requested, need declaration.</p>	
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		<p>Reviewed by: skc</p> <p>Reviewed on: 3-7-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3 - Engstrom</p>		

Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C. 1820, 1821, 2680-2682)

Age: 65		NO TEMP REQUESTED		NEEDS/PROBLEMS/COMMENTS:	
		<p>JOYCE V. DAVIS, Sister, is Petitioner and requests appointment as Conservator of the Person and Estate with medical consent powers.</p> <p>A Capacity Declaration was filed 2-4-13.</p> <p>Estimated Value of Estate Personal property: \$250,000.00 Real property: \$380,000.00</p> <p>Petitioner states the proposed Conservatee suffers from Progressive Dementia, Alzheimer's type and needs help in all her basic needs. She is unable to make informed decisions regarding her financial affairs. Conservatorship is necessary to provide the proper care for her and to protect her assets.</p> <p>Court Investigator Julie Negrete to provide investigation report.</p>		<p><u>Court Investigator to advise rights, provide report.</u></p> <p>1. Petitioner requests appointment as conservator of the estate without bond because the proposed Conservatee is still able to give her consent. However, no consent or nomination is included.</p> <p>Regardless, bond is required for every conservator of the estate pursuant to Cal. Rules of Court 7.207 and Probate Code §2320(c)(4).</p> <p>Based on petitioner's estate value estimate and Inventory and Appraisal (already filed), bond of \$275,000.00, which covers the value of the 401k asset plus cost of recovery, will be required.</p> <p>However, the Court may require information regarding the proposed Conservatee's annual income, and the bond amount may require adjustment based on this information.</p> <p><u>Note:</u> The Court will set status hearings as follows:</p> <ul style="list-style-type: none"> • Friday 5-17-13 for filing of bond • Friday 7-11-14 for filing of the first account. <p>If the necessary items are on file, the status hearings may come off calendar.</p>	
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				Reviewed by: skc	
				Reviewed on: 3-8-13	
				Updates:	
				Recommendation:	
				File 5 - Thomas	

Atty Bagdasarian, Gary G. (for Russell Basye and Susan J. Lopes – Petitioners)

Atty Rindlisbacher, Curtis D. (Court-appointed for Proposed Conservatee Ruth Wallace)

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820,
1821, 2680-2682)

Age: 86		NO TEMP REQUESTED RUSSELL BASYE and SUSAN J. LOPES , Son and Daughter, are Petitioners and request appointment as Co-Conservators of the Person with medical consent powers and dementia medication and placement powers. Voting rights affected A Capacity Declaration was filed 2-5-13. Capacity Declaration of O'Key I. Sams, MD, 1-17-13, supports the request for medical consent powers, but does not include the Dementia Attachment (GC-335A) for information regarding the request for dementia medication and placement. Petitioners state the proposed Conservatee is 86 and suffers from dementia. She is unable to live alone and currently resides at Sierra Vista Healthcare Center. She requires assistance in walking and various other necessities of life. Court Investigator Jennifer Daniel filed a report on 3-5-13.	NEEDS/PROBLEMS/COMMENTS: <u>Court Investigator advised rights on 2-15-13</u> <u>Voting rights affected – need minute order</u> 1. Need Dementia Attachment GC-335A to Capacity Declaration from Dr. Sams regarding the request for dementia medication and placement powers. 2. Need video receipt from Petitioner Russell Basye. Local Rule 7.15.8.A.	
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		Reviewed by: skc Reviewed on: 3-8-13 Updates: Recommendation: File 6 - Wallace		

Atty

LeVan, Nancy J. (for Lorena Garcia – Daughter – Administrator)

Atty

Emerzian, David L (for Omega Ochoa Garcia – Surviving Spouse)

Further Status Hearing

DOD: 2-7-07		<p>LORENA GARCIA, Daughter is Administrator with limited IAEA without bond.</p> <p>Letters issued 7-21-08.</p> <p>On 7-14-09, the Court approved a settlement agreement between Administrator (daughter) and Omega Ochoa Garcia (surviving spouse) and allowed continuation of estate administration pending certain issues:</p> <p>1) Retrial of the damages portion of Civil Case # 04CECG03607 Garcia v. Roberts; and</p> <p>2) Receipt of proceeds due from an eminent domain matter</p> <p>On 10-4-11 (the 7th status hearing regarding retrial of the damages issue), Attorney Emerzian advised the Court that a motion for a new trial was denied and an appeal has been filed, and that deposits need to be made. The Court set this hearing for further status.</p> <p>Status Report filed 12-1-11 by Attorney LeVan states that Attorney Ty Kharazi filed a Notice of Appeal on behalf of his clients, the Roberts'. The Fifth District Court of Appeal has set a mediation for the parties on 12-12-11. Attorney LeVan requests to set a status hearing in March 2012 to follow the progress of the appeal.</p> <p>Minute Order 12-6-12: No appearances. Matter continued to 3-13-12.</p> <p>Minute Order 3-13-12: Counsel informs the Court that the case has been appealed.</p> <p>As of 3-7-13, nothing further has been filed.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 12-6-11, 3-13-12, 9-13-12</u></p> <p>Minute Order 9-13-12: Ms. LeVan advises the Court that an appellate brief was filed on 8/21/12. She further advises that they are waiting on the assets to come from the award however, they will have to wait on the appeal. Matter continued to 3/14/13. Counsel is directed to submit a written status report. Continued to 3/14/13</p> <p><u>As of 3-7-13, nothing further has been filed.</u></p> <p>Note: Examiner Notes from the 10-4-11 status hearing with a brief chronology of this case are in the file for reference.</p> <p>1. <u>Need account or current status report.</u></p> <p>Examiner notes that Letters issued <u>over 5 years ago</u> and the Court approved continuation of estate administration <u>over 4 years ago</u>.</p> <p>At recent hearings, status was provided regarding the <u>civil matter</u>; however, account current or status of <u>this estate</u> is needed if the estate is not in a position to be closed (<u>Probate Code §12200</u>).</p> <p>At hearing on 7-26-11, the Court was advised that the estate was awarded \$184,798.00, but a new trial may affect that award. The I&A value of the estate as of the date of death was \$5,125.00; however, it is unknown if other amounts have been recovered or received, etc.</p> <p>For example, at this point, what is the property on hand, and how is it held, etc.?</p>
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		<p>Reviewed by: skc</p> <p>Reviewed on: 3-7-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8 - Garcia</p>	